

F
863
W3
X

WELLER

SPEECH

BANCROFT
LIBRARY

The Bancroft Library

University of California • Berkeley

SPEECH

OF

EX-GOVERNOR

JOHN B. WELLER,

DELIVERED BEFORE THE

DEMOCRATIC CLUB

Petaluma, Cal.,

JUNE 6, 1863.

SAN FRANCISCO:

1863.]

APPEAL

TO

EX-GOVERNOR

CORRESPONDENCE.

PETALUMA, June 11, 1863.

HON. JOHN B. WELLER:

Dear Sir—At a recent meeting of the Petaluma Democratic Club, a resolution was passed requesting of you the privilege of publishing your address delivered before us on the 6th inst. If you feel disposed to comply with our request, please forward the manuscript, or give us the privilege of making a copy of it, at such time as may be convenient to you.

With great respect, I remain yours, etc.,

THOS. L. CAROTHERS,
Secretary of Club.

FRUIT VALE, Cal., 14th June, 1863.

DEAR SIR:

Your note of the 11th inst., requesting a copy of a speech recently delivered by me at Petaluma for publication, has been received. In reply I have to say that I will furnish one at as early a day as possible.

Very truly your ob't serv't,

JOHN B. WELLER.

THOS. L. CAROTHERS, Esq., Sec'y Dem. Club.

S P E E C H

O F

EX-GOVERNOR JOHN B. WELLER.

FELLOW CITIZENS:—During the past two years, as many of you know, I have been engaged in agricultural pursuits, and taken no part whatever in political affairs. In the calm quietude of my rural home I have watched the movements of that terrible storm which is now howling so fiercely around us. At its commencement I was the representative of the United States at a Foreign Court, where civil war then raged, and you may imagine how deeply I felt humiliated when reminded by a countryman that some of the Stars upon that proud emblem which floated over my residence had gone out, and that America, like unfortunate Mexico, was to be devastated by a fratricidal contest. As an old National Democrat, ready and willing at any time to sacrifice his life to maintain the Union of the States and the liberties of the people, I need hardly say that I have shed many bitter tears over the deplorable condition of my country. Called into the National Councils as soon as eligible under the Constitution, and having devoted a large portion of my life to public affairs, I could not but feel in this hour of darkness and gloom the deepest solicitude for the future welfare of the Republic. It would probably have been better, so far as popularity is concerned, for me (an Ohioan by birth and education,) to have fallen in with the current, and lauded the powers that be; but entertaining the opinions which I sincerely do, I should have lost my self-respect, destroyed the reputation which I have labored for a quarter of a century to acquire, and gone down to my grave a despised and dishonored man. Friends, for whose opinions and feelings I have the highest regard, have attempted to dissuade me from speaking at this time, but I never allow personal considerations to control my political actions.

Why, I am asked, do you consent to leave the quiet circle in which you move, and place yourself in a position where you will draw down upon your head the denunciation and abuse of a great many of your countrymen? It is sufficient for me to say in reply, that the Democrats of California, who have, in years past, bestowed upon me the highest honors within their gift, have asked my opinion in regard to the present condition of the country, and they are entitled to it. Besides, it is due to my children that I should exert whatever little influence I may have to secure to them a Government which will protect their persons and property after I have ceased to exist.

Looking at the melancholy picture which is spread before me, I could not have died happily if I had not raised my voice in behalf of an outraged and oppressed people. I see the bloody hand of the tyrant strangling the Angel of Liberty, and surely it is my duty to go to her rescue, and do what little I can to release and place her upon that high position which she has hitherto occupied.

Men of Sonoma, will you allow a man who has endeavored to serve his country faithfully in war and in peace, to give free utterance to his thoughts here to-day? I desire to speak the truth, and do justice as becomes an American who scorns the idea of belonging to either the North or the South, and who owes allegiance to no party organization now in existence. In all the discussions which have taken place, in war as well as in peace, the greatest freedom of debate has been allowed. Indeed it is to free discussions alone that we are indebted for the preservation of our liberty during our National existence. Based as our Government is, upon public opinion, it is of the last importance that that public opinion should be enlightened, and this can only be accomplished by the toleration of the liberty of speech and the freedom of the press.—

the sources from which the people derive information in regard to public affairs. To applaud all that the Executive has done or is doing without examination is, to my mind, the basest servility. This "is the screen by which power is concealed in its gradual progress to despotism—its most dangerous if not its *only* dangerous approach. And when nothing worse than imbecility wields the reins, it is by this it is upheld in its course from blunder to blunder until it converts National misfortune into National ruin."

Goldsmith, who was a pretty good judge of human nature, and a respectable statesman, said : "Opposition, when restrained within due bounds, is the salubrious gale that ventilates the opinions of the people, which might otherwise stagnate into the most abject submission. It may be said to purify the atmosphere of politics ; to dispel the gross vapors raised by ministerial artifice and corruption, until the Constitution, like a mighty rock, stands fully disclosed to the view of every individual who dwells within the shade of its protection. Even when this gale blows with augmented violence, it generally tends to the advantage of the Commonwealth. * * Without these intervening storms of opposition to exercise his faculties, he would become enervate, negligent and presumptuous, and, in the wantonness of his power, trusting to some deceitful calm, perhaps hazard a step that would wreck the Constitution." These remarks are more applicable to our Government than to Great Britain. This opposition to the powers that be, when confined within proper limits, is indispensable to the preservation of the Constitution. The struggle between the "outs" and "ins," although sometimes conducted in a disgraceful manner, exercises, nevertheless, a salutary influence upon the Government ; they keep the attention of the people constantly directed to their public agents, and thus compel them to move within the sphere prescribed by the fundamental law of the land. If the party in power transcends the Constitution or invades the rights of the citizen, the Opposition sounds the alarm, and the people, if the charge be true, apply the remedy which the law provides. "Eternal vigilance is the price of liberty." I would not trust any party in power, no matter what its creed might be, unless there was an Opposition to keep watch upon their movements. We want not only a sufficient guard around the camp where our Constitution is deposited, but we should have pickets out in every direction to sound the alarm at the first movement of the enemy. It is by slow and steady steps alone that the people can be enslaved. Mr. Madison, in a speech delivered in the Virginia Convention, advocating the adoption of the Federal Constitution, says :

"Since the general civilization of mankind, I believe there are more instances of the abridgement of the freedom of the people by gradual and silent approaches of those in power than by violent and sudden usurpation; but on a candid examination of history we shall find the turbulence, violence and abuse of power, by the majority trampling on the rights of the minority, have produced factions and convulsions which in republics have more frequently than any other cause produced despotism. If we go over the whole history of ancient and modern republics, we shall find their destruction to have generally resulted from these two causes."

Now these two causes, to which Mr. Madison attributes the downfall of ancient and modern republics—1st, "Abridgement of the freedom of the people by gradual and silent approaches;" 2d, "the turbulence, violence and abuse of power by the majority trampling upon the rights of the minority"—are both in full operation in our unfortunate country.

It is proper to remark, however, that the freedom of the people was not in this case abridged by gradual and slow approaches, but by violent and rapid movements. The blow was so sudden, so unexpected, that the public mind was completely stupefied, and has not yet recovered from the shock. Civilians, having no connection whatever with either the army or navy, are seized by a military force without warrant of law, transported to distant States and incarcerated in prisons by the order of the President, or some of his military subordinates. When the unfortunate citizen, whose only crime was that he was suspected of being unfriendly to the powers that be, appealed to the Constitution and invoked the protection of that great writ of right, the *habeas corpus*, he was told, the President of the United States has *suspended* it! The unlucky editor who claimed that Congress *alone* possessed the power to suspend the writ, and that no man could be deprived of life, liberty, or property, without due process of law under the Constitution, he too was seized, his press destroyed, and his body transferred to a military prison.

The second cause assigned by Mr. Madison is in full force, "the abuse of power, and the majority trampling on the rights of the minority." Majorities in our country have oftentimes been intolerant and frequently trampled upon the rights of the minority ; but this is the first time in the history of America that the minority is not allowed to exercise any rights whatever. Blind, implicit obedience to the mandates of the majority, no matter how unconstitutional they may be, is required of all. If we complain of these usurpations of power, if we refer to their outrages upon our liberties and the Constitution, we are denounced as traitors, and fortunate are we indeed if some provost guard, "dressed in a little brief authority" from some military officer, does not seize us and transport us to prison.

Men of Sonoma : You may strike, but will you hear me ? At the commencement of this war there was but one sentiment in the North—"the Constitution must be maintained and the Union preserved." In consequence of the policy adopted by the Administration in its prosecution, divisions now exist which may be classified as follows :

First—Those who believe that the Union can still be restored by a vigorous prosecution of the war. *

Second—Those who are in favor of the entire subjugation of the South, and the emancipation of the slaves. This class is not in favor of the Union *as it was*.

Third—Those who are in favor of the Union as it was, but believe that a continuance of the war will widen the breach and render re-union impossible, and are therefore in favor of a peaceable separation with a view to future re-construction.

You will, no doubt, be able to determine, before I conclude these remarks, to which of these classes I belong.

I think it must be evident to every unprejudiced mind, that there are two parties in this country, both of whom are in the wrong.

First—Those who affirm that there was no provocation whatever for this rebellion—in other words, that the South had no just complaint against the North.

Second—Those who affirm that the causes were sufficient to justify revolution. In national quarrels, as well as in those of a domestic or private character, both parties are generally more or less to blame. It is to my mind absurd to suppose that any people would resort to revolution unless they believed themselves oppressed.

The declaration which separated us in 1776 from Great Britain says, “All experience has shown that mankind is more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they have been accustomed.” The same idea is advanced by one of England’s most eminent statesmen in the following language: “No intelligent people ever rose or ever will rise against a sincere, rational, benevolent authority. No people were ever born blind. Infatuation is not a law of human nature. Where there is a revolt by a free people with the common consent of all classes of society, there must be a *criminal* against whom that revolt is aimed.”

We must look, then, to the history of the country to find, if possible, the causes which produced the war which is now deluging our once peaceable and happy republic in blood. Is it not strange that here in the full meridian light of the nineteenth century, with all the vast progress which has been made in everything that elevates and ennobles human nature, that one of the most destructive civil wars that ever blotted the pages of history, should have broken out? A nation that had advanced with the strides of a giant to the highest point of greatness, challenging the wonder and admiration of the world, honored and respected by every civilized nation upon the face of the globe, in two short years torn to pieces by intestine factions and civil war, and reduced to wretchedness and misery! Loaded down with debt and taxation, and more than half a million of her people slaughtered upon the field of battle!

Oh, fanaticism! thou hast done the deed; thou hast stilled the warm and generous hearts of this vast multitude of our gallant and chivalric countrymen; thou hast robbed the aged mother of her only son—the widow of her last support—the wife of her kind husband, around whom all the affections of her heart were gathered—the sister of her noble brother who was ready at all times to sacrifice his life to protect her honor, and converted countless thousands and tens of thousands of once happy homes into houses of misery and mourning; thou hast filled the land with widows and orphans, and made the rivers to run with the blood of our own people. The wail of the broken-hearted comes from the mountains of the North, and is heard reverberating in the valleys of the South and West. Thou hast constructed a colossal pyramid, higher than that of ancient Egypt, out of the bones of our citizens, in which are deposited the blighted hopes and ruined prospects of millions of people! And still thou demandest more victims? Men of America! is it not time to pause and reflect?

That some prominent men in the South have long desired to cut loose from the Union and establish an independent Government, is undoubtedly true. Many of them believe with Mr. Lincoln in the “irrepressible” doctrine—that all the States must be either slave or free; and as they regarded the institution of slavery a great blessing, and absolutely indispensable to their existence as a free people, they desired to dissolve the connection which existed between the two sections. Indeed, during my twelve years’ service in the House of Representatives and in the Senate of the United States, I have frequently conversed with eminent men from the South, who sincerely believed that the prosperity and happiness of both sections would be promoted by a separation. Their principal argument was based upon the hostility of the North to the existence of slavery, and what they called antagonistical interests upon the revenue laws. They believed that free trade and direct taxation would make their country the greatest upon the face of the globe; and to this the manufacturers of the North would never assent—that the conflict between the manufacturing and planting interest was irreconcileable. It is due to these gentlemen that I should say that their idea, as avowed, was that a peaceable dissolution could be effected. It is true I have heard the Hotspurs from South Carolina talk as wildly and flippantly about dissolving the Union, irrespective of consequences, as they would about a horse-race; but they are entitled to no more consideration than the Phillipses, Garrisons and Beechers of the North. But without the fanaticism of the Abolitionists to fan the flame and excite the passions of the people, Southern disunionists never could have placed these States in the position which they now occupy.

It seems to me, however, that no candid man can deny that the agitation of the slave question was the principal cause of the war. The President, in his last annual message, concedes this; but, in my judgment, he does not put the question fairly. He says—“The North was opposed to the *extension* of slavery, and the South in favor of it.” Upon the application of Missouri for admission into the Union in 1819-20, the whole country was intensely excited, because the Constitution which the people of that Territory presented tolerated slavery. North and

South were arrayed against each other, and the most violent and bitter discussions ensued. In this controversy the question was not the extension of slavery, but the South maintained that the people of that Territory were the sole judges: and in the formation of a Constitution for their government, they had a right to determine the character of the institutions which should exist amongst them, and that Congress possessed no power to prohibit slavery. It is fortunate indeed that there were a sufficient number of conservative patriots then in Congress to settle the difficulty which then threatened a dissolution of the Union. Some of these men, however, from New England, were burnt in effigy upon returning to their constituents.

It is not true that the South ever adopted the policy of extending slavery. All that the great body of her people ever claimed was that their domestic institutions should not be interfered with, and that they should be allowed to remove to the Territories which belonged to the respective States, and be secured in the possession of their property. In other words, they claimed *equal rights, equal protection*. They have never asked for an outlet for slavery, because they have within their own limits millions of acres of rich land which are as yet uncultivated. Taking the natural increase of the slave population, and there is enough territory in the South to furnish full and profitable employment for more than a century to come. Nor is the declaration of the President true, that the Republicans only desired to prevent the *extension* of slavery. A large majority of that party have labored for years to *abolish* it altogether. One of their first acts, when they came into power, was to abolish slavery in the District of Columbia. Why, nearly a quarter of a century ago (1839,) John Quincy Adams, one of the most eminent of Northern statesmen in the House of Congress, proposed certain amendments to the Federal Constitution upon this subject. He proposed—First: “Hereditary slavery to cease after the 4th July, 1842. All children born after that day to be free.” Second: “With the exception of Florida, no slave State to be hereafter admitted.” Third: “Slavery and the slave trade to cease in the District of Columbia on 4th July, 1845.”

These amendments were not pressed upon the States, because public sentiment had not yet become sufficiently Abolitionised to justify a hope that they would be adopted. The extinction of slavery could not be accomplished until its bitter and unrelenting enemies obtained the control of the Federal Government.

During the past forty years this question has been discussed in Congress, before popular assemblies, and in the Legislatures of the North, oftentimes with great warmth and bitterness. Societies during that period have existed whose vocation has been to wage unceasing warfare against this institution. In New England, and in some of the other free States, the Abolitionists took possession of the pulpits, the schools, the theatres, and the light literature of the day, and thus educated a generation who consider it a duty at all times and on all occasions to make war upon slavery and slaveholders. That generation, educated under these influences, is now upon the stage of action, and unfortunately hold possession of the various departments of the Government. And here let me say, that no class of people as a body have contributed so much toward producing the present unfortunate state of things as the clergy of New England. Instead of laboring to inculcate the doctrines of their Divine Master—peace and good will amongst brethren—their whole energies have been constantly directed to stir up sectional feelings, and call into action all the worst passions of the human heart. But a few years ago, when the Kansas question agitated the country, and threatened the existence of the Union, three thousand clergymen of New England, instead of pouring oil upon the troubled waters and endeavoring to allay the storm, plunged into the “dirty pool of politics,” and pretending to speak in the name of the Great Jehovah, sought to control the action of Congress. Some of the churches were converted into arsenals, from which deadly rifles were distributed to their infatuated followers who were about to migrate to that country, with a view to exterminate slaveholders!

Instead of loving their enemies (if they so regarded them,) and praying for those who despitefully used and persecuted them, they were taught to believe that God and humanity demanded that they should carry on an unceasing warfare against their Southern brethren. Instead of teaching the law of kindness and affection, and hushing up the discords of life, they encouraged a bloodthirsty spirit, and fanned a flame which now threatens the entire destruction of the Government.

The names of these wolves in sheep's clothing will go down to posterity loaded with infamy—an infamy as deep and damning as that which rests upon the first murderer.

It was through the influences to which I have referred that a public sentiment was manufactured in some of the States which rendered it impossible to execute the Fugitive Slave Act of Congress. In many of them laws were passed in direct conflict with it. Instead of returning to the owner his property, as the law and good faith required, they either concealed or aided the slave in escaping to the British possessions in the North.

Indeed the time had come when it was unsafe for the owner of slaves to pursue his property into several of the free States. Let me refer you to the declarations of some of the prominent men of the North in regard to the “Fugitive Slave Law.”

Senator Sumner, at the head of the Committee of Foreign Affairs in the Senate, in one of his addresses said:

The good citizen as he reads the requirements of this Act is filled with horror. Here the path of duty is clear. *I am bound to disobey this Act.* Sir, I will not dishonor the home of the Pilgrims and of the Revolution by admitting—nay, I cannot believe that this bill will be executed here.

Josiah Quincy, of the same State, a man of great influence in Massachusetts, said:

The obligation incumbent on free States to deliver up fugitive slaves is a burden, and it must be obliterated from the Constitution at all hazards.

A member of Congress from Ohio, Mr. Giddings, said, on the 9th December, 1850, in a speech delivered in that body:

I will say to the President, with all kindness, but with unhesitating confidence, our people will never be compelled by the bayonet or the cannon, or in any other manner, to lend any aid or assistance in executing that infamous law, nor will they obey it.

The feelings of the Northern Republicans generally are strongly but accurately presented in a speech delivered by a Mr. Wells, of New York, in Congress, on the 6th February, 1861. He said:

The Northern religious man believes the condition of the slave to be at war with the principles of Christianity and with the precepts of the Bible. * * * The Northern religious man looks, and will continue to look, upon your institution as *Bible-denounced* and *Heaven-accursed*; and no law, no punishment, no muzzling of the press, no new alien and sedition law can touch its settled convictions.

That these are the opinions, the deep and well settled convictions of nine-tenths of the Republicans of New England, I have no doubt. I could spend the whole day in reading extracts from the speeches of leading Republicans, high in the confidence of the Administration, of a similar character to those I have already given.

It is true that the Democracy for many years held in check the Northern fanatics, but, one by one, they were slaughtered and driven from public life. But for the old Jackson Democrats of that section the Union would have been broken up long since. They stood as a body guard around the Constitution, determined to maintain it unimpaired, by securing to each section the rights guaranteed by it. They never warred upon the institutions of the South—never stirred up sectional strife, but, in the spirit of Nationality, recognized her people as their equals in all respects under the Constitution.

In 1860, the Southern disunionists mustered a strong force in the Charleston Convention, determined either to nominate a candidate for the Presidency who recognized the right of a State to withdraw at pleasure from the Union, or divide the Democratic party, and throw the political power of the Government into the hands of the Republicans. This party they could safely rely upon, as they supposed, to inaugurate a hostile policy towards that section, which would afford them sufficient grounds to secede. In this movement they succeeded in dividing the Democracy, and electing Mr. Lincoln to the Presidency. He was the choice, it is true, of a minority of the people, but he was elected in conformity with the law and Constitution of the Republic, and it was the duty of every American to acquiesce in his inauguration. It is not strange, however, that his election alarmed and exasperated the South. Mr. Lincoln had openly and boldly advocated the abolition doctrine of the “irrepressible conflict.” He said:

I believe this Government cannot endure half slave and half free. I do not expect the house to fall, but I do expect it will cease to be divided. It will become all one thing or the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction, or its advocates will push forward till it shall become alike lawful in all the States—old as well as new, North as well as South.

If this means anything, it means that the war is to be waged against slavery until it is entirely extinguished.

There is, I believe, a controversy between the friends of Mr. Lincoln and Mr. Seward, as to which of these gentlemen first declared that there was “an irrepressible conflict between freedom and slavery—that all the States must be free or slave.” Without attempting to settle this question, I proceed to show you what these “irrepressible” doctrines are. By looking to the declarations of the leaders of the Republican party in the last Presidential election, we will be enabled to see the policy which they intended to adopt when they came into power. I have read the statement of the President. Next in order is his Prime Minister, Mr. Seward. He said in one of his speeches at Cleveland, Ohio :

* * * It (slavery) can and must be abolished, and you and I must do it. * * * Correct your own error, that slavery has constitutional guarantees which may not be released and ought not to be relinquished. * * * You will soon bring the parties of the country into an effective aggression upon slavery. Mark the words, “You will soon bring the parties of the country into AN EFFECTIVE AGGRESSION UPON SLAVERY !”

Mr. Burlingame, sent by Mr. Lincoln to represent our Government at the Court of Austria, said :

The times demand, and we must have an anti-slavery Constitution, an anti-slavery Bible, and an anti-slavery God!

James Watson Webb, sent out by Mr. Lincoln as Minister to Brazil, in his organ said :

If we fail at the ballot-box, what then! We will drive slavery back, sword in hand, and so help me God, believing that to be right, I am with them.

Senator Wade, Chairman of the Committee, in the Senate, “on the conducting of the War,” said :

There is really no Union now between the North and the South, and I believe that no two nations upon the earth entertain feelings of more bitter rancor towards each other than these two nations of the republic.

nator Wilson, Chairman of the Military Committee of the U. S. Senate, said :

I tell you here to-night, that the agitation of this question of slavery will continue while the foot of a slave presses the soil of the American republic.

Horace Greeley, the editor of the *Tribune*—a paper, high in the confidence of the Administration—said:

I have no doubt that the Free and Slave States ought to be separated. *The Union is not worth supporting with the South.*

Judge Spaulding, one of the Judges of the Supreme Court of Ohio, said :

In case of the alternative being presented—of the continuance of slavery, or a dissolution of the Union—I am for DISSOLUTION, and I care not how quick it comes.

Mr. Helper, who holds a position under the Administration, wrote a book during the Presidential campaign, called the “*Impending Crisis*,” which, *after being endorsed over the signatures of sixty-eight Republican members of Congress*, was printed, and millions of copies scattered broad-cast over the North and West. Secretary Seward, in a letter to the publisher of the work, says :

It seems to me a work of great merit—rich, yet accurate in statistical information and logical analysis, and I do not doubt that it will exert a great influence on the public mind in favor of the cause of truth and justice.

Now I propose, fellow-citizens, to give you a few extracts from this valuable work, so highly endorsed by the most distinguished men of the Republican party :

First—That it is a solemn duty to abolish slavery in the South, or die in the attempt.—Page 176.

Second—That no man can be a true patriot without first becoming an Abolitionist.—Page 179.

Third—That against slave-holders as a body we (that is the Republican endorsers) wage an exterminating war. Pages 121—122.

Fourth—That slaveholders must emancipate negroes, or we will emancipate them for you.—Page 196.

Sixth—That slaveholders are nuisances, and that it is an important duty to abate nuisances. We propose, therefore, to abolish slavery, than which strychnine itself is less a nuisance.—Page 130.

Seventh—That slaveholders are more cruel than common murderers.—Page 149.

Eighth—That all slaveholders are under a perpetual license to murder.—Page 141.

Ninth—That if the negroes had a chance, they would be delighted to cut their masters’ throats.—Page 158.

Tenth—That we are wedded to one purpose, from which no earthly power can divorce us. We are determined to abolish slavery at all hazards.—Page 140.

Eleventh—That there is scarcely a spark of honor or magnanimity amongst slaveholders.—Page 153.

Twelfth—That now is the appropriate time to strike for freedom in the South.—Page 158.

The following programme of organization is recommended :

First—Thorough organization and independent political action on the part of non-slaveholding whites of the South.

Second—Ineligibility of slaveholders—never another vote to the trafficker in human flesh.

Third—No co-operation with slaveholders in politics, no fellowship with them in religion, no affiliation with them in society.

Fourth—No patronage to slaveholding merchants, no bequests to slavewaiting hotels, no fees to slaveholding lawyers, no employment to slaveholding physicians, no audience to slaveholding Parsons.

Fifth—No recognition of pro-slavery men, except as ruffians, outlaws and criminals.

Sixth—Thus, terror-engenders of the South, have we fully and frankly defined our position. We have no modifications to propose, no compromises to offer, nothing to retract. Frown, hiss, fret, foam, prepare your weapons, threat, strike, shoot, stab, bring on civil war, dissolve the Union—nay, annihilate the solar system, if you will—do all this more, less better, worse anything—do what you will, sirs, you can neither foil nor intimidate us. Our purpose is as firmly fixed as the eternal pillars of Heaven. We have determined to ABOLISH SLAVERY, AND, SO HELP US GOD, ABOLISH IT WE WILL. Take this to bed with you to-night, sirs, and think about it—dream over it, and let us know how you feel in the morning.

Now, these were the public declarations of the leaders of the successful party at that election. Is it strange that the Southern people were exasperated to madness? You sowed the seeds of dissolution broadcast, and now you affect to be surprised that it has produced anything! The South assumed that Mr. Lincoln and his supporters were sincere in the expression of these sentiments, and that the President intended to administer the Government in accordance with them. But, Sir, there is nothing in all this to justify rebellion or revolution. If, as they said (and as I believe) the experience of three quarters of a century had demonstrated that additional guarantees were necessary to protect their rights and prevent a collision of the States, they should have appealed to their Northern brethren for a Convention to amend the Constitution in the way provided in that instrument. They were bound, as Americans, to exhaust their peaceful remedy before they resorted to force. Thousands of Northern men, like myself, were willing to give them guarantees in the Constitution, to protect them in their property and secure to them a perfect equality with the other States in the Territories and elsewhere. The old-line Democrats, who believe in the equality of the States and the duty of the Federal Government to protect every species of property under the Constitution, would have stood by them in the demand. We have always believed that it was impossible to maintain the Union except by securing to each section the undisturbed enjoyment of its constitutional rights. But those of us who had held back the horde of Northern fanatics, were suddenly abandoned, the property of the Federal Government seized, and our good old flag—dear to every northern Democrat, and to us as sacred as the honor of our wives and daughters—rudely assaulted and trampled upon. Did they suppose that our hostility to the Abolitionists, who for years had been plotting the destruction of the Government, was so strong that we would not feel the insult offered to our national emblem?

No, Sir! No, Sir! Much as we hate these fanatics, we love the honor of our country more. If we had tamely submitted to this gross insult, we would have been unworthy of the name of Americans—unworthy of a place amongst the civilized nations of the earth.

I will not stop to inquire how far the conduct of the President in attempting to re-inforce Fort Sumter, and the vague and indefinite language of his inaugural address, provoked the assault to which I have referred. But this I will say, that I believe it was in the power of the Administration to have avoided—honorably avoided—a collision with these States. I grant you, a bitterness of feeling had been engendered in the South towards New England particularly, in consequence of the incessant warfare waged against their institutions, which rendered it quite difficult to live peaceably together. The man of New England looked upon the slaveholder as a brute who violated every day the laws of God and humanity, whilst the Southern man regarded him as a thief who would steal his property whenever an opportunity was presented. It would be somewhat difficult for two men entertaining these opinions of each other to live very happily together under the same roof.

But previous quarrels between the two sections had been amicably adjusted, and I doubt not, if that spirit of conciliation and compromise which framed our Federal Constitution, had pervaded the Republican party after the election of Mr. Lincoln, and assurances given that the institutions of the South would not be interfered with, this, too, could have been settled without a resort to arms. At all events, the revolution could have been confined within narrow limits.

Let us look to the record for proof of this assertion. The people of Virginia, after South Carolina and the other Cotton States had seceded, by an overwhelming majority refused to follow them. The votes in the Convention there assembled to decide upon her position showed a majority of seventy against Secession. North Carolina had refused by a decisive vote to withdraw from the Union. Tennessee by a majority of some thirty thousand had also refused, and the question in Arkansas had been postponed for discussion. These four States were all in the Union at the time the President of the United States issued his Proclamation, calling for 75,000 volunteers (not to protect the Capital, as is often said) but “to suppress the combination and to cause the laws to be duly executed.” Seeing, then, that the policy of the Administration was to make war upon the States, and by the military power bring them back into the Union, the four States, which I have named, at once seceded.

I do not believe that a majority of the people in any of the States at the outset, except South Carolina, were in favor of seceding from the Union. That State has not been loyal to the Federal Government since 1832. In that year a convention was held in Charleston, and her people solemnly declared that the revenue laws of the United States, and particularly the tariff acts of 1828 and of July, 1832, should not be executed within her limits. If the General Government resorted to force, Carolina would secede from the Union. This was the first *formal* declaration by a State of the right of Secession. It is true, however, that New England, through her public men, as early as 1790, threatened to *secede* from the Union unless the Federal Government assumed the debts contracted by the States in the prosecution of the Revolutionary war. In the “Memoirs and Correspondence” of Mr. Jefferson, vol. 4, pages 448 and 449, I find this language:

So high were the feuds excited by this subject, that on its rejection business was suspended. Congress met and adjourned from day to day without doing anything, parties being too much out of temper to do business together. The Eastern members particularly, who with Smith from South Carolina were the principal gamblers in these scenes, threatened *Secession and dissolution*. * * I thought it impossible that reasonable men, consulting together coolly, could fail by some mutual sacrifices of opinion to form a compromise which was to save this Union.

A compromise was effected, the State debt assumed, and, as Mr. Jefferson on the same page says, “*a concomitant measure, to sweeten it a little to the South, was adopted.*” That “concomitant measure” was the location of the Federal Government on the banks of the Potomac!

I allude to this as a historical fact, that our fathers had difficulties to encounter at the outset of the Government, which had to be adjusted by *concession* and *compromise*.

The heresy of Secession was fully and ably exposed in the proclamation of that illustrious statesman who then—fortunately for the Republic—occupied the Presidential chair. A compromise was effected, chiefly through the instrumentality of that distinguished Kentuckian whose name is familiar to you all. South Carolina acquiesced, but she was not satisfied. Her people, however, knew well that if an effort was made to carry out the doctrine of nullification that man of iron will and heroic courage had said:

The dictates of a high duty oblige me solemnly to announce that you cannot succeed. The laws of the United States must be executed. * * Disunion by armed force is treason.

It is quite certain that if they had not yielded he would have brought down at once upon the heads of her people the whole military and naval power of the Republic. He would have occupied every town and hamlet within her limits, and scattered her rebellious troops like chaff before the wind.

Let us look for one moment at Massachusetts, to protect whose manufactories South Carolina, in this contest, alleged that she was heavily taxed. She led off in the organization of societies to war upon slavery. Many of her prominent men have again and again, during the past quarter of a century, declared that they would continue to agitate this question until slavery was abolished. Affiliated societies sprung up in most of the Northern States, who contributed their

influence towards arraying section against section, and producing that bitter feeling of hostility out of which this war emanated.

They increased in strength from year to year, notwithstanding the Father of the Republic had solemnly warned them, in his Farewell Address, against the dangers of geographical parties and sectional organizations—and thus succeeded in sowing the seeds of dissolution. In 1842, Mr. John Quincy Adams presented a petition from Haverhill, Massachusetts, requesting Congress "to take the necessary steps to dissolve the Union."

It is true that so strong was the popular feeling generally in New England against the war of 1812, that a Convention was held at Hartford, in Connecticut, and serious thoughts were entertained of withdrawing from the Union, and making her own peace with the enemy; yet this is the first *formal* proposition to break up the Government. Mr. Adams desired to have the petition referred to a Select Committee, and in the course of debate upon this motion, he said:

I want to respond to them, and tell them that it is not time for these people, who are emphatically oppressed, to seek for a redress of grievances in this way.

No, Sir; the time had not yet come to break up the Union! I well remember (for I was then one of the youngest members of the House,) the violent discussion which ensued, and the terrible anathemas heaped by *Southern* members upon the heads of these Northern men who sought to dissolve the Union.

The generation of heroes and patriots who once adorned the old Bay State have passed away. Her Hancocks and Adams have been succeeded by such men as Sumner, Wilson and Andrew—men who have labored in season and out of season, with an industry that never flags, to break up the Union as the only means by which slavery could be extinguished.

Who doubts that a large majority of the people of New England prefer a dissolution of the Union to a continuance of slavery? And here—lest I be misunderstood—let me say that in all these States there is a large and respectable body of men who have nobly battled for the equality of the States and the Constitutional rights of every section of the Confederacy.

In 1854 I canvassed portions of New Hampshire and Connecticut, in company with Mr. Orr, of South Carolina, and Mr. Cobb, of Georgia, both of whom now occupy high positions in the new Government. The question of slavery and the Constitutional rights of the States was fully discussed by us, and we met with a kind and most hospitable reception everywhere. Devoted to the Union and the Constitution, they were fighting manfully for the principles which we promulgated. The recent election in these two States prove conclusively, that although in a minority, (owing to the Federal Government having sent a large military force into the States, ostensibly to "recruit," but to control the ballot-box,) they are still holding on to the good old Democratic ship.

I come now back to the question: Could this war have been honorably avoided? The records of Congress will show that when the venerable and patriotic Crittenden, who fully appreciated the impending danger, came forward in Congress with propositions to adjust the difficulty, and save the country from the horrors of civil war, the Republicans gave them a cold reception, and finally rejected them. It was on that occasion this old patriot gave utterance to the following language:

I declare to you that it is my solemn conviction that unless something is done, and something equivalent to this proposition, we shall be a SEPARATE AND DIVIDED PEOPLE IN SIX MONTHS FROM THIS TIME, That is my firm conviction. It is my sad and melancholy conviction that that will be the consequence.

On the 3d January, 1861, Judge Douglas made his last (revised) speech in the Senate on the great question of restoring the Union. It was just such a speech as you would expect from one whose whole heart was devoted to the Union. Speaking of the Crittenden resolution, he said:

I believe this to be a fair basis of amicable adjustment. If you of the Republican side are not willing to accept this (his own proposition,) or that of the Senator from Kentucky, (Mr. Crittenden,) pray tell us what you are willing to do? I address the inquiry to the Republicans alone, for in the Committee of Thirteen, (Judge Douglas being a member,) a few days ago, EVERY MEMBER FROM THE SOUTH, INCLUDING THOSE FROM THE COTTON STATES, MESSRS. TOOMBS AND DAVIS, EXPRESSED THEIR READINESS TO ACCEPT THE PROPOSITION OF MY VENERABLE FRIEND FROM KENTUCKY AS A FINAL SETTLEMENT OF THE CONTROVERSY, if tendered and sustained by the Republican members.

I regret the determination to which I apprehend the Republican Senators have come—to make no adjustment, entertain no proposition, and listen to no compromise of the matter in controversy. * * Can we make no concession, no sacrifice for the sake of our children, that they may have a country and a Government to protect them when party platforms and political honors shall avail us nothing in the day of final reckoning.

And here you must allow me to make a slight digression.

It has always seemed strange to me that a large number of those in this State who supported Judge Douglas for the Presidency in 1860, should be found in political alliance with the Republicans—a party against whom he had battled most manfully all his life. He entered Congress two years after I had become a member of that body, and the records will show that at that early day both of us were satisfied that the Abolitionists were determined to break up the Union as the only means by which slavery could be abolished. As I was its enemy then, when it had no power except to sow the seeds of dissension, so I am its enemy now when it holds the control of the Government, and has inaugurated its policy upon the ruins of republican institutions. All the energies of my early manhood were directed to resist its progress, and I shall go down to the grave

with the firm conviction that this party, under the name of philanthropy, has entailed misery and wretchedness upon four millions of the African race, and destroyed the best and freest Government that ever existed.

The Congressional records show, that after the election of Mr. Lincoln, no one labored with more ability and zeal to avert the impending storm than Judge Douglas. He was a member, as I have already said, of the Committee of Thirteen, appointed to draw up some plan of pacification to save the Union, and although he had a proposition of his own, he gave a hearty and cheerful support to the one submitted by Mr. Crittenden. I have recently turned to the debates immediately preceding this war, and I propose to make liberal quotations from his speeches, in order that his friends, who may not have had an opportunity, may see precisely where here he stood. On the 15th March, 1861, in the Senate, he said:

In my opinion we must choose, and that promptly, between one of three lines of policy:

First—THE RESTORATION AND PRESERVATION OF THE UNION, by such amendments to the Constitution as will ensure the domestic tranquility and equality to the States, and thus restore peace, unity and fraternity to the whole country.

Second—A PEACEABLE DISSOLUTION OF THE UNION, by recognizing the independence of such States as refuse to remain in the Union without such Constitutional amendments, and the establishment of a liberal system of commercial and social intercourse with them by treaties of commerce and amity.

Third—WAR, with a view to the subjugation and military occupation of the States which have seceded, or may secede, from the Union.

In speaking upon these propositions, he says: "The *first* is the best and the *last* is the worst." He then goes on to remark:

If we can make such amendments to the Constitution as will satisfy the Border States which are now in the Union, we will create a Union party in the seceded States that will bring them back by the voluntary action of their own people. You can restore and preserve the Union in that way. You CAN DO IT IN NO OTHER. War is disunion. War is a final, eternal separation. Hence I do not mean, if I can prevent it, that the enemies of the Union—men plotting to destroy it—shall drag this country into war. Under the PRETEXT of protecting public property, and enforcing the laws and collecting revenue, when their object is disunion, and war the means of accomplishing a cherished purpose. The disunionists are, therefore, divided into two classes—the one, open; the other, secret disunionists. The one is in favor of peaceable secession and a recognition of independence; the other is in favor of war as the surest means of accomplishing the object, and of making the separation final and eternal. I am a Union man, and hence against war; but if the Union must be temporarily broken by revolution, and the establishment of a *de facto* government by some of the States, let no act be done that will prevent restoration and future preservation. Peace is the only policy that can lead to that result.

Now, fellow citizens, does any one doubt that if the policy advocated by Judge Douglas had been adopted the integrity of the Union could have been preserved? Again he says:

The people of the South believe they are in danger. They believe that you meditate an invasion of their Constitutional rights. They believe that you intend to stir up servile insurrections, and stimulate the slaves to cut the throats of their masters, and their wives and children. Believing this, they will act upon this belief, unless you will remove all cause of apprehension. Unless you do, disunion is inevitable; whether peaceably or by civil war. God only can tell. * * Whenever a Government has refused to listen to the complaints of the people, and have attempted to silence their murmurs by the bayonet, they have paid the penalty.

To this speech, every word of which breathes the true spirit of patriotism, the leader of the Republican party (Mr. Wilson, of Massachusetts,) responded, in what Judge Douglas properly designated "a petulant, irritable, irritating personal attack." Amongst other things, Mr. Wilson said:

He (Douglas) stands here quite alone, and he is hardly more powerful before the nation. I say to that Senator, and I want him and his friends to understand it, that the Administration which has just come into power will take its time to deliberate, to act, and declare its policy, and that it does not select him as its exponent."

They did take time to declare their policy, and waited until the fires of civil war were blazing all over the country! Judge Douglas was rebuked, because fully appreciating the danger, he attempted to get a *word* from the Republican leaders which would avert the impending storm. He said:

Why not let the people know what the policy is? The country is now overwhelmed with doubt and anxiety; business is suspended; public confidence is destroyed; commerce is disturbed; bankruptcy is staring your best merchants in the face. One word from the White House will save them from ruin—one word will gladden the heart of every patriot in the land. Let that word be spoken, and let that word be PEACE, and there will be such a shout of joy resounding through the land as has not been witnessed since the acknowledgment of independence. Why not allow it to be done?

No, fellow citizens, the "word" was not spoken, and cast your eyes over this once fair land and see the consequence!

Judge Douglas saw that these men intended to bring on civil war as a means to effect their "cherished object," the emancipation of the slaves, and he said: "I expect to give these gentlemen some trouble during this Congress. I know their scheme. I do not mean that they shall plunge this country into war." In this, unfortunately for us all, Judge Douglas failed.

Two days before the close of that session (25th March, 1861,) which terminated the illustrious career of this statesman, when taunted by a Republican Senator with his defeat at the Presidential election, he said: "You can boast that you have defeated me, but you have defeated your country with me. You can boast that you have triumphed over me, but you have triumphed over the unity of the States. Your triumph has brought disunion, and God only knows what consequences may grow out of it."

The speeches from which I quote will be found in 2d vol. Con. Globe, 2d Session 36th Congress, pages 1460, 1461 and 1503.

Yes, says he, "One word from the White House will save the country from ruin. Let that word be peace."

Now, fellow citizens, if the President had assured the South, that notwithstanding all the declarations made anterior to his election, he did not intend to make war upon their institutions by the inauguration of the "irrepressible policy," and that they should have equal rights, equal protection, the Union could have been restored. But Congress adjourned, and the President declared his intention, as Judge Douglas seems to have anticipated, "to protect public property, enforce the laws, collect revenue, and reinforce Fort Sumter.

"I do the wrong, and first begin the brawl;
The secret mischief that I set abroad
I lay unto the grievous charge of others."

Fellow-citizens: I think I have shown you that this war could have been avoided. But no. The Republicans, who had been struggling for forty years to obtain the possession of the Government and inaugurate their Abolition policy, declared that the time for *compromises* had passed by. The doctrines of the "Chicago Platform" must be reduced to practice, no matter what the consequences might be to the country. In the language of one of their Senators, (Chandler) "a little blood letting was necessary, in order to make the Union desirable."

"No," says a leading Républican in Congress from Ohio, "I will not compromise, because slavery is a sin, an outrage against humanity, and an insult to God. Disguise it as you will, it is still the crowning iniquity and most ghastly atrocity. By no vote of mine shall it ever be strengthened or countenanced. You may dissolve the Union if you can." Appendix Con. Globe, 2d Session, page 133.

Another member of Congress, from Indiana, says: "I see nothing to compromise, nothing to concede, and therefore I will give none whatever. * * Mr. Speaker, I will compromise no longer with slavery." In these sentiments a large majority of the Republicans in both branches of Congress concurred. These were the declarations of the party about to come into power, when Northern Democrats under the lead of Crittenden and Douglas were attempting to allay the storm and preserve the integrity of the Union. "No compromise—dissolve the Union if you can."

After a careful review of the whole ground, I believe, most sincerely believe, that if the President and his advisers had manifested that fraternal spirit of conciliation and compromise which our fathers exhibited in 1787, the peace of the country could have been maintained. Positively, I doubt not, will hold them responsible for this terrible conflict amongst brethren.

I must now refer to the avowed object for which this war was to be prosecuted. At the outset, in order that the question might be clearly understood, the following resolution, offered by Mr. Crittenden in the House of Representatives, was adopted with but two dissenting votes.

That in this national emergency, Congress banishing all feelings of passion or resentment, will recollect only its duty to the whole country. That this war is not waged, on their part, in any spirit of oppression, or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality and rights of the several States unimpaired, and that as soon as these objects are accomplished, the war ought to cease.

A resolution of a similar character passed the Senate by a vote of 30 to 5. Four of the negative votes were given by Senators who were opposed to the war. In addition to this we had the declaration of the Secretary of State in his instructions to our Minister in England. He said (under date of April 22d, 1861): "The rights of the States, AND THE CONDITION OF EVERY HUMAN BEING in them, will remain subject to exactly the same laws and forms of administration, whether the revolution shall succeed or whether it shall fail! Their constitutions and laws, customs, habits and institutions in either case will remain the same."

The Secretary of War was equally explicit. He said: "This is a war for the Union, for the preservation of all the constitutional rights of the States, and the citizens of all the States of the Union."

Another member of Mr. Lincoln's Cabinet, the Secretary of the Interior, in a public address, delivered in August, 1861, used this language: "This is not a war upon the institution of Slavery, but a war for the restoration of the Union and the protection of all citizens in the South as well as in the North in their constitutional rights. There could not be found in South Carolina a man more anxious, religiously and scrupulously, to observe all the features of the Constitution relating to slavery, than Abraham Lincoln." The leading Republicans in both branches of Congress took care to express similar sentiments.

These are the assurances which Judge Douglas labored so hard to obtain from the Administration in 1861, when the compromise measures were pending in Congress. "One word," says he, "from the White House will restore peace to the country." When war broke out, and it became necessary to secure the aid of Democrats in carrying it on, then, and not till then, the declaration is made that the institutions of the South are not to be interfered with; that our only object is to maintain the Constitution and restore the Union as it was!

These declarations, repeated in every possible form, relieved the Northern Democracy from the apprehension that the President and his party intended to take advantage of the war to carry out their "irrepressible doctrines" and strike at the institutions of the South; and thousands and

hundreds of thousands of the gallant Democrats of the North and West, who had all their lives warred against the Abolitionists and their creed, rushed to the field of strife. Their object was to vindicate the honor of our flag which had been rudely assaulted, and to maintain the Constitution and preserve the Union. They did not take up arms to fight against slavery or to reduce to practice the principles of the Abolitionists, but in the language of the deliberate resolve of Congress, "NOT FOR THE PURPOSE OF CONQUEST OR SUBJUGATION, OR FOR THE PURPOSE OF OVERTHROWING OR INTERFERING WITH THE RIGHTS OR ESTABLISHED INSTITUTIONS OF THOSE STATES, BUT TO DEFEND AND MAINTAIN THE SUPREMACY OF THE CONSTITUTION AND TO PRESERVE THE UNION WITH ALL THE DIGNITY, EQUALITY AND RIGHTS OF THE SEVERAL STATES UNIMPAIRED."

How changed the scene! The army is raised, the Democrats are enlisted, and now in the opinion of the President the time has arrived when his irrepressible principles should be inaugurated! On the 1st of January last he issues his famous proclamation for the emancipation of the slaves! By this master stroke of policy he not only silences his ancient enemy, the Democracy, but absolutely *compels them to fight for his principles!* Tens of thousands of that good old party have already been slaughtered in battling to carry out doctrines which they always detested! And the work is still going on! The enlisted Democrat is still held to service, and the resignation of the officer *rejected!* If a private citizen complains, the pack howls "treason! treason!" Suppose that the Administration had announced at the beginning that the war was to be prosecuted until slavery was entirely abolished and the whole South subjugated, how many of the gallant young Democrats of my native State would have gone into the contest? How many of the sound national Democrats of the great West would have rallied under your flag? And this leads me to refer to the repeated usurpations of power and violations of the Constitution by the Republican party. I am not disposed to be captious, nor do I deny that when the country is engaged in a civil war, threatening the very existence of the Government, it is difficult to confine in all cases the Executive, who is commander-in-chief of the Army and Navy, within the limited sphere prescribed for him in the Constitution. To justify, however, a violation of that instrument, a clear case of *overwhelming necessity* must be apparent. I do not know that I can express my idea in better terms than those which will be found in a speech made by me in Congress, nearly twenty years ago, upon a bill to refund a fine assessed by Judge Hall upon Gen. Jackson at New Orleans in 1815: "Who ever pretended that the Constitution invested Gen. Jackson with power to declare martial law! The friends of this bill place his justification upon the law of *necessity*—a necessity which exists above and beyond the Constitution. That necessity, I grant you, must be *clearly and conclusively established*. Gen. Jackson staked his destiny upon the issue—if necessary, he was right and would be sustained by the people—if not, his reputation was gone forever!"

This usurpation of power (the declaration of martial law) was denounced with great violence by the anti-Democratic party, but the necessity was so manifest that the great body of the people sustained him. But the power assumed by the President in declaring martial law in many of the loyal States, where our civil tribunals are entirely uninterrupted in the administration of the laws, is such a power as not only no President of the United States ever before attempted, but no monarch of Great Britain could or would at this day dare assume. The revolution of 1688 put an end to the abuses which had existed under the reign of the Stuarts, and the Bill of Rights made express provision against any Briton not attached to the military forces being subjected to any kind of punishment by military law. Neither the Queen, nor Parliament itself (which is said to be omnipotent), can under the Constitution of the country at this day do what the President of the United States has done, over and over again, in these free States—supersede the civil power and set up the military authority and martial law in its stead. Why, in 1689, when a party was organized to make war upon William III, and he ordered the summary arrest and imprisonment of the Earl of Arran, Sir Robert Hamilton, and some other gentlemen of the Scottish nation, the historian tells us that "he immediately informed the two houses of Parliament of the steps he had taken, and even craved their advice in such a delicate affair which had compelled him to trespass upon the laws of England." Whilst I am upon this branch of the subject, I may as well allude to the fact that so jealous were the framers of our State Constitutions of the military power, that in nearly all of them the distinct declaration was made, "*that the military shall in all cases and at all times be in strict accordance to the civil power.*" Unless this principle is rigidly adhered to, the Federal Government will very soon swallow up the rights of the States and become a despotism, with our lives and property at the mercy of some military tyrant.

One of the causes alleged in our Declaration of Independence for separation from the mother country is, that the King of Great Britain had "*affected to render the military independent of and superior to the civil power.*" Are not cases occurring almost every day in the loyal States, where Courts are organized by the Federal Government, and Judges holding commissions from the President, are sitting without any interruption whatever, that Provost Marshals seize private citizens, drag them from their dwellings, and subject them to trial before military tribunals? Even if such a procedure were not a direct and palpable violation of the Constitution, why should it be done? Does the public good demand it, or rather is it not done to punish and humiliate your political adversaries? Mr. Seward, the Secretary of State, in an official letter to Lord Lyons, says: "My Lord, I can touch a bell on my right hand and order the arrest of a citizen in Ohio. I can touch the bell again and order the imprisonment of a citizen in New York, and no power on earth but that of the President can release them. Can the Queen of England, in her

dominions, do as much?" I confess, fellow citizens, when I read this I felt ashamed that I was an American. And this is written from that Department of the Government first occupied by the illustrious author of the Declaration of Independence, and in full view of the monument which is being erected to the memory of the Father of our Country! Shades of Washington and Jefferson, do you see how we are tampering and trifling with the liberties you supposed you had secured to your descendants? Do you see, Americans, your countrymen with a military halter around their necks, led to prison because they have dared to speak their sentiments? Do you see a Secretary of State, the mere Clerk of the President, boasting that he has more power over the liberties of American citizens than the Queen of England has over her subjects? Oh, your labors were in vain! You threw off the yoke of Colonial bondage, and declared us a free and independent people, but we have voluntarily assumed a yoke far more oppressive; we have quietly submitted to a military despotism far more cruel, far more exacting. The Constitution which you framed to secure our liberties has been slaughtered, and we have no rights except those which our military commanders choose to award us. You gave us a free press and liberty of speech, but a lawless mob have suppressed the press, and we dare not give utterance to our thoughts. It is true you said in the Constitution which you formed for our government, that *no person shall be deprived of life, liberty or property without due process of law*, and yet our lives, liberties and property are at the mercy of military commanders! The "ringing of a bell" by the Secretary of State, 3,000 miles from here, is the only "due process of law" necessary to send a citizen of California to prison. The Constitution, "the supreme law of the land," says, that "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State or district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence." But what care our rulers for the Constitution? It is true the President has solemnly sworn "to preserve, protect and defend it," but "military necessity" compels him to trample it under foot! Thank God, the men of the revolution, who freely poured out their blood in a seven years war to secure our liberties, have all passed away. How deeply humiliated they would be to see their descendants stripped of all those blessings for which they spent so many watchful days and sleepless nights, and reduced in two years to the most abject slavery. "Farewell, a long farewell to all our greatness," unless the people rally at once around the Constitution and the laws and shake off the degrading chains which are being fastened on their necks. Men of America! if you do not arouse from your slumbers and assert your rights, you are unworthy of the proud name your ancestors gave you. Whilst the brave Pole is striking for liberty against fearful odds, cheerfully encountering every danger and hardship for one hour of freedom, we are quietly sitting by our firesides whilst the chains of despotism are being riveted upon us! Men of America! if you do not awaken to the impending danger, and make an effort to regain your liberties, your children, when wearing the clanking, galling chains of oppression, will curse your memories.

It was scarcely necessary that Mr. Seward should boastfully ask Lord Lyons: "Can the Queen of England in her dominions do as much?" If Lord Lyons answers the interrogatory he will undoubtedly tell him: "No, sir—No, sir. Her Majesty dare not trifle with the liberties of her subjects. Such acts of tyranny as you speak of would arouse the whole kingdom, and the Crown which she wears would be stripped from her head. Britons, who have fought so often for liberty, cannot be reduced to slavery."

I have alluded to the declaration of martial law in many of the loyal States. Well, what is martial law? The Duke of Wellington, in the British Parliament, defined it thus: "Martial law was nothing more or less than the will of the General who commands the Army. In fact, martial law meant no law at all." The will of the President, who is the Commander-in-Chief, or his subordinates for the time being, is the law by which the rights of American citizens are to be determined. What difference is there, then, between this and the most absolute despotism in the old world?

The Constitution declares "that Congress shall have no power to abridge the liberty of speech or the freedom of the press." As Congress alone possesses the power to legislate, it can hardly be claimed that the President can do it. Perhaps the ingenuity of their learned men, who found that as the States alone were prohibited from issuing paper money, or making anything but gold and silver a legal tender, therefore, Congress had the power to manufacture such a currency and make it a legal tender. The argument would amount to about this: Congress cannot abridge the liberty of speech or the freedom of the press, but as the Executive is not prohibited from doing it, he can. The same provision to which I have referred is found in all our State Constitutions. Still, notwithstanding all safe guards thrown by Constitutions, Federal and State, around these rights "inestimable to freemen and formidable to tyrants only," newspapers have been destroyed or suppressed, and hundreds of our fellow citizens taken from their homes by a military force, without authority of law, and incarcerated in loathsome dungeons for months, because they had dared to question the policy of the party now in power. Others, again, have been sent by the same power to the republican bastilles; and after being confined in these dirty holes for months, turned out without being allowed to know the charges upon which they had been deprived of their liberty. These acts are not only violative of the Constitution, but they are in direct conflict with that sacred instrument which loyal Republicans hold in much higher repute—I mean the "Chicago

Platform." That document says: "As our republican fathers ordained that no person should be deprived of life, liberty or property without due process of law, it becomes by legislation, wherever legislation is necessary, to maintain this provision of the Constitution against all attempts to violate it."

How often has this article in the Republican Constitution been violated? History will perhaps answer the question. For example let us take the case of Ingersoll, of Pennsylvania. I allude to this case because here there was an affidavit filed, and we can see the precise crime with which he was charged. It consisted in saying that "the despotism of the old world can furnish no parallel to the corruptions of Abraham Lincoln." And still we live under a Constitution and call ourselves *freemen!* When the press is muzzled, and liberty of speech denied to the people, it is folly to talk to us of the "glorious Union." Whilst you are preaching homilies upon this theme, you are robbing us of our liberties, and, like the Madagascar bat, sucking the life blood from our veins when fanning us to sleep by the cooling breeze of the wide-spread wings of "Union." Give us liberty first, and then Union is the greatest of blessings. Without it, it would be a curse. Let me read you a part of the platform of the stern, unyielding Democrats of old Connecticut, which array in better language than I can command the acts of the party now in possession of the Government. I would like to see the Democracy of California adopt this as their platform in the coming election. It has been endorsed by 38,000 of our brethren in the heart of New England.

That the President of the United States, by his emancipation proclamation, has struck a serious blow at the rights of the States; erected a barrier almost impassable between the North and the South, in attacking the people of fifteen States through a domestic institution which is blended with their social fabric, and over which the individual States possess exclusive control and power; and regardless of the great lessons of the past, the National Executive in pandering to the insane fanaticism of the abolition faction policy, which, if successfully inaugurated, would disgrace our country in the eyes of the civilized world, and carry lust, rapine and murder into every household of the slaveholding States:

That the act of the Federal Administration in suspending the *habeas corpus*—the arrest of citizens not subject to military law, without warrant or authority—imprisoning them without charge or accusation—denying the right of trial by jury, or witnesses in their favor, and counsel for the defence—withholding from them all knowledge of their accusers, or the cause of their arrest—answering their petitions for redress by repeated injury and insult—prescribing, in many cases, as a condition of their release, test oaths, arbitrary and illegal:

In this abridgement of the freedom of speech and of the press—in suppressing newspapers by military force, and establishing a censorship wholly incompatible with the freedom of thought and expression of opinion:

In the establishment of a system of espionage by a secret police, to invade the sacred privacy of unsuspecting citizens:

In declaring martial law over States not in rebellion, and where the Courts are open and unobstructed for the punishment of crime:

In attempting to strike out of existence the entire value of property in slaves throughout the country;

In the attempted enforcement of compensated emancipation:

In the proposed taxation of the laboring white man to purchase the freedom of the negro, and place his labor in competition with the white man thus taxed:

In the dismemberment of the State of Virginia, erecting within her boundaries a new State without the consent of the Legislature:

Are each and all arbitrary and unconstitutional; subverting the Constitutions, State and Federal; invading the reserved rights of the people and sovereignty of the States; and if sanctioned, destructive of the Union; establishing upon the common ruins of the liberties of the people and the sovereignty of the States a consolidated military despotism.

Will any one have the effrontery to say that these outrages upon the Constitution and upon the inalienable rights of the people were necessary in order to carry on a successful war against the South? Was it necessary to seize respectable citizens by an armed force and transport them to distant States or countries for imprisonment? Take the case of Mr. Vallandigham, of Ohio, who has just closed a term of five years in the Congress of the United States. I know not what the charges against him were, nor do I care. His "castle" was invaded, he was seized by a military force, carried to another county and subjected to trial before a military court in contravention of the laws of the land. That tribunal, held in secret, sentenced him to transportation. If he had butchered his wife, and slaughtered all his innocent children in cold blood, he would have been arrested by a police officer, carried before a civil tribunal and regularly committed to prison. In due time he would have been indicted by the Grand Jury, arraigned and put upon his trial before an unprejudiced jury of his countrymen. If unable to employ counsel to defend him, the Court would provide one, and see that witnesses, if any he desired, were properly summoned. These rights are secured to the *murderer*, but not to the Democrat who dares to question the policy of the party in power, or speak irreverently of the Chief Magistrate! These rights are secured to the traitor, who takes up arms against the Government to which he owes allegiance, but not to the man who openly speaks of the corruptions of the present Administration! And yet this is not a despotism, but a republican government, where liberty of speech is secured by the fundamental law. Blessed land of liberty! Thou art still the land of the free and the home of the oppressed—the asylum of the down-trodden victims of the despotism of the Old World! Why, an old English writer, speaking of the Magna Charta, says: "Every man's house is his castle, not that it is surrounded with walls and battlements. It may be a straw-built cottage. Every wind of heaven may whistle through it, all the elements of heaven may enter it, but the King cannot, the King dare not enter it." Most gallantly have the Democrats of that noble State come to the rescue of the champion of American liberty. A State Convention of 370 delegates from the respective counties nominated him for the Chief Magistracy of the State, although

exiled by order of the President of the United States. He will be elected, beyond all doubt, unless the Army is used, as it was in Connecticut, to silence the voice of the people. The ball is now in motion, and God grant that it may roll on until the last vestige of Black Republicanism is destroyed in America.

Fellow-citizens: When did it become treason to arraign the acts of the President? So careful were our fathers to protect the people in their rights, that instead of giving Congress the power to define this crime, they proceeded to declare, in precise terms, what should constitute treason. But I ask again, when did it become treason to doubt the necessity of a war, or condemn the manner in which it is prosecuted? Certainly not in 1812, when the papers of New England during the war with Great Britain denounced it "*most infamous.*" It was not treason when the "*Salem Gazette*" said: "At the door of James Madison and his accomplices lies the blood of our butchered countrymen!" It was not, when one of their clergymen (Mr. Gardner) said in the pulpit at Boston: "Mr. Madison has declared war, let him carry it on." It was not treason when the "*Boston Sentinel*" said: "So unjust is this offense into which our rulers have plunged us, in the sober consideration of millions, that they can not conscientiously approach the God of armies and invoke his blessing upon it." It was not, when the "*U. S. Gazette*," at Philadelphia, said: "*The war is purely Democratic; it was undertaken for Democratic and not national purposes. Let the Democrats, therefore, terminate it as best they can. We have no partnership in the matter.*" * * * The war has hitherto been the war of a party; let it so continue and so be terminated! The disgrace will then continue to be the disgrace of the party, and not of the country—a consummation devoutly to be wished!" It was not, when the "*Boston Advocate*" said: "Our plan is to withhold our money and make a separate peace with England." It was not, when the same paper said: "Will the people lend money to our national rulers? It is grateful to find that the universal sentiment is that any man who lends money to the Government at the present time will forfeit all claim to common honesty and common courtesy among all true friends to the country." It is now a high crime to discourage enlistments, and men guilty of it are sent to prison. If a man advises his son or brother not to engage in this war under the orders of the Government, he is waited upon by a provost guard and conducted to prison? Not so in 1812, when Dr. Osgood said in one of his sermons: "Every man who volunteers his services or loans his money for its support, or by his conversation, writings, or by any other mode of influence encourages its prosecution, that man is an accomplice in the wickedness, and loads his conscience with the blackest crimes, brings the guilt upon his soul, and in the sight of God and the law is a MURDERER." It was not when Timothy Pickering (Secretary of State under Washington and the elder Adams) in the U. S. Senate, said, "as he was confident of the inexpediency and injustice of the war, he could not vote for any bills which in any manner aided it. My aim is to put an end to this unjust and ruinous war, and therefore I oppose all supplies for carrying it on."

These things were said publicly when our country was engaged in a fearful contest with one of the most powerful nations of the earth—a war which has been properly designated "*the second war of independence.*" But we hear of no military arrests, no Provost Marshals, no martial law, or suspension of the writ of habeas corpus, or imprisonment in bastiles, or suppression of newspapers! So far from it, we find Mr. Madison, then President, in his message to Congress using the following language: "Our Constitution secures to us the freedom of speech, and at this momentous period it is our right and our duty to inquire into the grounds and origin of the present war, to reflect on the state of public affairs, and to express our sentiments concerning them with decency and frankness, and to endeavor, as far as our limited influence extends, to promote by temperate and constitutional means an honorable reconciliation." (See Annals of Congress—13th Congress, vol. 1, page 333.) Instead of denying, Mr. Madison says that it is not only the "*RIGHT*" but the "*DUTY*" of the people to express their sentiments in regard to the war.

It could not have been treason when the Legislature of Massachusetts sent a memorial to Congress denouncing the war as "*improper, impolitic and UNJUST.*" (See same vol., page 37.) Nor could it have been treason when the Governors of Massachusetts and Connecticut refused to call out the militia of the respective States upon the requisition of the President, in anticipation of the war with England in 1812. Nor was it when they subsequently claimed the power to control the militia when called out, and instructed them "*not to invade the enemy's territory.*" Nor was it treason when King, of Massachusetts, said, in the House of Congress:

Ask the twice ten thousand fatherless children, orphaned by the war, if glory will give them bread when hungry, or clothes when naked, or restore to them the endearing relation of father! No, Sir! No, Sir! They are thrown destitute and helpless upon the mercy of a wide world, which must forever hide them, and will be taught to lisp in curses the name of Madison and Madison's war!

It would be treason for me to say in the language of this same Congressman:

Follow me to your various encampments; visit with me your numerous battle fields, crimsoned with blood, and cry glory—glory over the mouldering remains of 30,000 slaughtered, murdered American citizens, victims to your ambition and folly, and see if it will reanimate and restore them to their country and their friends. No, Sir! No; their accusing spirits have ascended to their God, and their blood will be required at your hands.

Again, it could not have been treason in January, 1848, when the anti-Democratic party in Congress passed a resolution declaring that "*the Mexican war was unnecessarily and unconstitutionally begun by President Polk.*" It was not treason when Governor Corwin, in the Senate of the United

States, would have the Mexicans welcome our gallant volunteers, "with bloody hands to hospitable graves." It could not have been treason when President Lincoln, then a member of the House of Representatives, was supporting and defending this resolution. It could not have been treason when he said upon the floor of Congress, when speaking of President Polk, "he feels the blood of this war, like the blood of Abel, is crying to Heaven against him." Nor was it treason when this gentleman, in the same speech, gave utterance to the following language:

Now, at the end of about twenty months, during which time our arms have given us the most splendid success; every part—land and water, officers and privates, regulars and volunteers—doing all that men could do, and hundreds of things which it ever before had been thought men could not do; after all this, this same President gives us a long message, showing us that *as to the end* he has himself even no imaginary conception. As I before said, he knows not where he is. He is a bewildered, confounded and miserably perplexed man. God grant that he may be able to show that there is not something about his conscience more painful than all his mental perplexity.

And it would not do for me to say: "How like the half insane, mumbling of a fever dream is the whole war part of his last message." Or that: "*His mind, tasked beyond its power, is running hither and thither, like some tortured creature on a burning surface, finding no position on which it can settle down and be at ease.*" All these things were said by Mr. Lincoln in regard to President Polk and the Mexican war. See Appendix to Congressional Globe, vol. 19, 1st session 30th Congress, pages 94 and 95.

Now, fellow citizens, how many of our countrymen have been thrown into prison during this war for using language in regard to Mr. Lincoln much less severe than this. But times have changed, sadly changed since then, although we are living under the same Constitution, guaranteeing free speech and a free press! It would be the foulest treason for a Democratic citizen to say that President Lincoln feels "*that the blood of this war, like the blood of Abel, is crying to Heaven against him.*" Nor would it do to say that "*He is a bewildered, confounded and miserably perplexed man;*" that "*there is something about his conscience more painful than all his mental perplexities;*" that "*after twenty months he has even no imaginary conception as to the end.*" Nor would it do to say that "*He knows not where he is;*" or that "*His mind, tasked beyond its power, is running hither and thither, like some tortured creature on a burning surface, finding no position on which it can settle down and be at ease.*" I do not say these things, because the cold walls of the California bastile are now frowning upon me.

Under the sedition act of the elder Adams, the unfortunate man who spoke disrespectfully of the Chief Magistrate, or other high functionary, was allowed a trial before a jury, and permitted to offer evidence to prove the truth of his declarations. But under the orders of President Lincoln and his Secretaries, men have been imprisoned for months, and no charges made against them. And all these things have been done to stifle discussion, and perpetuate Republican rule. But it will not answer. The voice of the people cannot, I trust, be silenced. The Democrats, under Jefferson, repealed the sedition act, and drove the Federals from power. The descendants of the same men will take care, if allowed the right of suffrage, to vindicate their rights, and hurl from their high places these men who have sought to deprive them of the liberty of speech, and trampled upon the Constitution of their fathers.

"For time at last sets all things even—
And if we do but watch that hour,
There never yet was human power
Which could evade, if unforgiven,
The patient search and vigil long,
Of him who treasures up a wrong."

Pencroft Library

Berclot Library

We were drifting rapidly into a military despotism, when a voice came through the ballot-box, admonishing the party in power that the Constitution must be maintained and the rights of the people respected. How far this admonition will secure the people in the enjoyment of their Constitutional rights—liberty of speech and freedom from military arrests—remains to be seen. I fear it will be disregarded, as I see some indigations that you intend to use your army of a million of men in such a way as to perpetuate your power by taking possession of the ballot-box. I confess that I have fearful forebodings as to the future; but I will, however, trust in the influence of truth, whose empire is felt in every human heart when once it has touched it. I will put my faith higher yet—"in Providence; for it cannot be that God will permit such a scheme of Government as this, freighted as it is with the highest hopes of humanity, to be wrecked in the wild orgies of madmen and fanatics."

The total extinction of slavery and the subjugation of the South is now the avowed policy of the Administration. They have abandoned all idea of reconstructing the Union as it was. The whole military and naval power is to be used to emancipate the slaves and subjugate their masters. Subjugate? Let me tell you, fellow citizens, that eight millions of Americans, reared under republican institutions, who believe they have been oppressed, and are determined to be free, never can be subjugated. Extermination is possible, but subjugation never can be accomplished. Look at these men as they are. They believe (no matter whether right or wrong,) that Mr. Lincoln was elected for the purpose of emancipating their slaves, and reducing them to penury and want. They believe that their happiness and prosperity demands a separation from the North. That fraternal feeling which bound the States together, and constituted the strength of the Union, was long since destroyed. They threw off (unwisely, I think,) what they regarded as the yoke of the oppressor, and boldly struck for independence. They preferred revolution,

with all its horrors, to a continued alliance with those they despised. You see the whole white population rushing to arms. The females stripping themselves of their jewelry and selling their costly furniture to supply the troops with food. See them, when unable to protect, destroying their crops worth millions of dollars, and, bare headed and bare footed, meeting our well clad and well fed legions upon the bloody field of battle. Both armies have performed deeds of valor, and exhibited heroic courage almost unparalleled in the history of man. Why, Mr. Wilson, of Massachusetts—who, from his position as Chairman of the Military Committee in the Senate, is, upon war questions, the leader of that body—as early as the 14th December, 1861, from his seat, said : “I do not know where to find, in the history of any country or of any age, a people who have manifested more vigor and more power, according to their numbers, than have the men engaged in this rebellion.”

These men of the South believe that we have invaded their country to strip them of their property, reduce their wives and children to beggary, and fasten the chains of slavery upon them. Can Americans, entertaining such sentiments, be subjugated? Can a people who think and feel that they are fighting for all that makes life desirable be conquered? No, Sir! Never! Never! Suppose all the powers of Europe should combine and invade America, with the declaration that they came to confiscate our property, reduce our wives and children to penury and want, and subjugate us. Could they accomplish it? Every American heart responds—Never! Never! They might annihilate our navy, ruin our commerce, destroy our cities, break up our divisions, scatter our armies, spread desolation throughout the land; but we would take to our mountain fastnesses and their continue the war until the last man was slaughtered. We would “razee every house, burn every blade of grass, and the last entrenchment of liberty would be our graves.”

I have already said that the idea of reconstructing the Union as it was has been entirely abandoned by the party in power. Can the States be reunited in any form by the prosecution of the war? I believe that a reconstruction of the Union could readily have been effected previous to the passage of the confiscation acts, and the emancipation proclamation of the President. Although that eminent orator and statesman to whom I have already referred, (Judge Douglas,) in the speech from which I have quoted, said :

If war comes it must have an end, and that termination, I apprehend, will be *final separation*. Whether the war lasts one year, seven years, or thirty years, the result must be the same—a cessation of hostilities when the parties become exhausted, and a treaty of peace recognizing the separate independence of each section. The history of the world does not furnish an instance, where war has raged for a series of years between two classes of States, divided by a geographical line, under the same National Government, which has ended in reconciliation and reunion. *Extermination, subjugation or separation* must be the result of war between the Northern and Southern States. Surely you do not expect to exterminate or subjugate ten millions of people—the entire population of one section—as a means of preserving amicable relations between the two sections!

See Congressional Globe, part 2, 2d session 36th Congress, page 42, Appendix.

The whole theory of our Government is based upon the idea of the consent of the governed, and that the States are held together by the ties of interest and affection, and not physical force. Suppose we succeed in breaking down the State Governments and establish military rule in its stead, it will, in my judgment, require as strong a force to maintain as it did to establish it. Instead of seeking to win them back into the Union by promises of equal rights, equal protection, you are now waging a war against the institutions which constitute the foundations of their social and political organization. Are we not sending our vast armies into the field to drive them from their homes and the consecrated graves of their ancestors. Why the “Morning Call,” of San Francisco, under date 17th ult., contains a letter from a soldier in the Southwest, which says : “General Rosecrans sent us word to kill, burn and destroy, and we are filling the order to the letter.” And is this the way in which you propose to restore the Union! Why, fellow citizens, have we gone back to the barbarian ages, when war was waged for plunder, instead of National conquest or National honor? Vattel, one of the oldest and most distinguished writers upon the law of nations, says :

A civil war breaks the bonds of society and government, or, at least, it suspends their force and effect; produces in the nation two independent parties, considering each other as enemies, and acknowledging no common judge; therefore, of necessity, these two parties must, at least for a time, be considered as forming two separate bodies, two distinct people. * * Things being thus situated, it is very evident that the common laws of war, those maxims of humanity, moderation and probity, which we have before enumerated and recommended, are in civil wars to be observed on both sides. Whenever a numerous party thinks it has a right to resist the Sovereign, and finds itself able to declare that opinion, sword in hand, the war is to be carried on between them in the same manner as between two different nations; and they are to leave open the same means of preventing enormous violences and restoring peace.

“Kill, burn and destroy!” Have we become a nation of madmen? Have we become so brutalized by war, that these things receive our sanction? Are they not disgraceful to the age, disgraceful to humanity? It is a savage order, no matter whence it came, and none but brutes would execute it. This order is very much after the style of Parson Brownlow, who is now addressing the people of the Northern and Western States upon this war. This reverend Minister of the Gospel of Peace recently delivered a street speech at Chicago, Ill., in which he said : “He had seen hundreds of horses and mules dead at Murfreesboro, and his bowels moved with sympathy, sorrow and regret—he was filled with sadness; but when he looked upon the graves of thousands of rebels at the same place, buried just as they used to bury cabbages in East Tennessee, HE LOOKED ON WITH COMPLACENCY AND DELIGHT.” * * He wished to be in East Tennessee when the Federal

advance reaches there, for there are men in that region whom he is determined shall pull hemp without foothold. *He was for hanging the scoundrels upon every limb, and shoot them down like dogs wherever found.*" And civil war has so changed the character of our people, that these brutal sentiments were applauded! May I not say again: Have we become a nation of madmen? Is this the nineteenth century? Can we expect the blessings of Heaven to rest upon a people so destitute of all the principles which characterize a Christian and civilized nation?

Sixteen years ago, when the national honor compelled us to send our armies to invade Mexico and plant our banner in the very heart of that Republic, we gave them no instruction to, "kill, burn and destroy." On the contrary, private citizens were unmolested, and private property everywhere respected. If any was taken for the use of the Army, a just and full compensation was made. Besides, we sent a commissioner along with the Army to negotiate for peace, thus carrying the sword in one hand and the olive branch in the other.

Now let me call your attention to another order. Similar orders have been issued in other military districts, but I take the one published in the "Alta," from Columbus, Ky. Amongst other things it says: "It is hereafter made the important duty of all post commanders and Provost Marshals in this district to arrest all persons who shall in any manner express their sympathy for rebels in arms against the Government of the United States." Mark the words: "*All persons who shall in any manner express sympathy,*" etc.

I am more fortunate, in one respect, than many of my countrymen. I have no kindred, to my knowledge, in either army or navy. But suppose I had. Suppose I had a kind, affectionate, manly brother in the Southern army, and suppose I received the intelligence, when in a public company, that he had been killed in one of the great battles which are daily occurring. If I shed tears, as in the weakness of poor human nature I probably would, this would be "an expression of sympathy for rebels," and under the order I would be sent to prison! Great God, is there any other country upon the face of the earth where the poor privilege of weeping over the death of a brother or friend is denied? Or if I should hear that a favorite son, upon whom all the affections of my heart had concentrated, born in the South and educated to believe that his first allegiance was due to his State, had been stricken down in battle and was laying in one of their miserable hospitals suffering for the necessities of life, and I should send him a few dollars to relieve his wants, or it may be to smooth his passage to the grave—you would not only send me to prison, but under the laws of this State deny me the right to prosecute a suit in the Courts! If a Republican was to seize upon a portion of the little farm where I live, and it became necessary to bring a suit to eject him, the lawyer would advise him to put in the plea that I had sent money to a rebel, and I would be hooted out of Court! And yet this is a free country! Have not the shackles been stricken from the Negro? Is he not now in the enjoyment of the largest liberty? Is he not as free as the grizzly bear that roams over your majestic mountains? But enough of this.

Judge Douglas, to whom I have so frequently referred, never spoke the truth more forcibly than when standing in the Senate on the 15th March, 1861, he gave utterance to this language: "History does not record an example where any human government has been strong enough to crush ten million people into subjection when they believed their rights and liberties imperilled, *without first converting the Government itself into a despotism and destroying the last vestige of freedom.*" The Administration conceding the truth of this declaration, is now attempting to subjugate the South, by "*first converting our Government into a despotism and DESTROYING THE LAST VESTIGE OF FREEDOM!*"

To accomplish this they expect to use an army of a million of men, with fixed bayonets, to control the elections in the respective States, and thus perpetuate Republican rule. Let me read you a special order from the War Department, the genuineness of which is vouched for by Governor Seymour, of New York, in his veto message:

War Department, Adjutant General's Office, }
Washington, March 13, 1853. }

14. By direction of the President, the following officers are hereby dismissed from the service of the United States. * * * * Lieutenant A. J. Edgerly, Fourth New Hampshire Volunteers, for circulating Copperhead tickets, and doing all in his power to promote the success of the rebel cause in his State.

By order of the Secretary of War,

L. THOMAS, Adjutant General.

To the Governor of New Hampshire.

The tickets which this young man distributed were Democratic tickets. He is charged in this dignified order with doing all in his power "to promote the success of the rebel cause," because, as a free man, he went to the polls and voted for a man for Governor who received a much larger number of votes than the Republican Administration candidate! Governor Seymour very justly remarks, that "*such acts are more disastrous to the cause of our Union than the loss of battles.*"

Men of California, I would to God that I could impress upon your minds the necessity of prompt and vigorous action. Whilst prating about "the Union, the enforcement of the laws, the necessity of standing by the Government, the obligation to protect National honor," they are forging the fetters which are to bind us and our children to the ear of despotism, and thus destroy the last vestige of American freedom.

If you want additional evidence of the design of the Republicans take the statement of Senator Baker, of Oregon, on the 10th July, 1861, in the United States Senate. He said: "I want sudden, bold, forward, determined war; and I do not think anybody can conduct war of that kind as well as a *dictator!*" Congressional Globe, 1st session 37th Congress, page 44. The same sentiment was advanced by Mr. Stevens, the leader of the House of Representatives. Fellow citi-

zens, I again beg, I again implore you to defeat this movement of the Republicans to fasten a DICTATOR upon us. Go to the polls at the next election, resolved to exercise the rights of free-men, uncontrolled by military power, or perish in the attempt.

Congress, at the last session, authorized the President to enlist and arm 300,000 negroes, and send them, with all their hostile feelings and prejudices, against those whom they regard as the oppressors of their race, to spread ruin and desolation throughout the South. I shudder at the horrible outrages which these infuriated wretches will inflict upon the women and children who fall in their way.

“A thousand years from now
Pale ghosts will sit upon the Stygian shore,
And read their acts by the red light of hell.”

Upon the score of humanity it would have been far better to have imported 300,000 blood-hounds and placed them under the command of Major General Butler, to hunt down these unfortunate people. They would be more merciful than the black regiments, with all their brutal passions unrestrained. And in this way it is proposed to win back our erring brethren, and reconstruct the Union! We will make them love us by stripping them of their property, and driving their helpless women and children from their firesides and homes! We will compel them to honor and respect our flag by placing it in the hands of emancipated slaves! And what are the inducements we hold out to our misguided brethren to return to our fraternal embrace? Do we promise to feast them as the prodigal son was feasted when he returned to his father's house? No! we demand unconditional submission to our laws. Well, what are these laws? The answer is, your slaves are emancipated, all your property confiscated, your wives and children reduced to beggary, and in due time you will be tried for treason and executed as a traitor upon the scaffold! Is it strange that an American should prefer dying upon the field of battle, by the hands of our brave soldiers, than to be strung up by the common hangman? Was there ever such delusion? Does the history of the world present a parallel case? Here you must allow me to quote from the last speech of Judge Douglas, delivered at Chicago, in May, 1861, a few days before his death. This, it will be perceived, is after the attack on Fort Sumter: “We must not invade constitutional rights. The innocent must not suffer, nor women or children be the victims. Savages must not be let loose.” Yes, fellow citizens, his last words to the people were, “the women and children must not be the victims. SAVAGES MUST NOT BE LET LOOSE.”

How, then, can the war be terminated? Certainly not by the party who now control the Government, for they stand pledged to prosecute it until slavery is entirely extinguished. The emancipation of four millions of negroes is of far more importance to them than the lives and property of eight millions of their own race. I believe the conservative element in this country is still strong enough to save us from utter ruin. Let the people, in accordance with the Constitution and laws, drive these men, who have converted this once happy and prosperous republic into a land of misery and mourning, from the high places they now occupy. The Federal Government, in the hands of National Democrats, who always maintained the equality of the States, and who were at all times opposed to the organization of sectional parties, this war might be terminated, an honorable compromise effected, and the Union, perhaps, restored in some form. But if this cannot be done—what then? Are we to continue the war until both sections are entirely exhausted? May we not then find our once happy and free country partitioned amongst the great Powers of Europe, as was the case with brave, chivalric, but unfortunate Poland? Are we to disregard all the sad lessons which history teaches us? Or, is this war to terminate as most of the revolutions which have convulsed the world have terminated? First, anarchy; and then, despotism.

In 1791 the National Convention of France passed a decree abolishing “all distinctions in society, and declaring “that all men are free and equal.” This was promulgated in the French West Indies, and very soon a violent contest sprung up in the island of San Domingo between the whites and the free colored inhabitants. In the meanwhile the slaves discovering that the comprehensiveness of the decree embraced them, they took up arms and massacred or drove out both parties. The scenes enacted by these brutalized Africans presents one of the “bloodiest pictures in the book of time.” On the 1st January of the present year, President Lincoln virtually declared that “all men were free and equal” by his emancipation proclamation. Are the Southern States to be Africanized, and are we to have the bloody drama of San Domingo re-enacted? And where did the President get the power to confiscate the property of nine millions of people? He gets it from the hand-book relied upon by tyrants in all ages of the world. It is the book in which the law of “military necessity” is written. It consists of but a single line: “Do as thou wilt with the lives, liberty and property of the people.” But in this case the plea is a false one. The Republican party was most solemnly pledged to the emancipation of the slaves, as I think I have already clearly and conclusively established. It is, therefore, entirely too late in the day for the President and his party to affirm that emancipation was forced upon them by “military necessity.” They were fully and fairly committed before God and man to this policy long before the first State seceded from the Union. Away, then, with this miserable, hypocritical canting about “military necessity!”

We are vastly superior to them in numbers; we have a powerful navy and a million of soldiers in the field against their ragged, half starved, shoeless troops; but have we in any of the great battles which have been fought, gained any decisive advantage? We have already sacrificed more than one hundred thousand of our soldiers in the efforts to take the

city of Richmond, and the work is still going on! Have they not exhibited a degree of heroic courage, of fortitude, of endurance under all sorts of hardships almost unparalleled in the history of the world? Is there more bravery south of Mason's and Dixon's line than north of it? No, Sir; no, Sir. In the Mexican war I have seen Northern and Southern troops together in the camp, upon the toilsome march, and side by side on the bloody field of battle, and saw no difference. But "thrice is he armed who *thinks* his quarrel just." How many thousands are there now in our ranks, who enlisted solely to maintain the supremacy of the Constitution and restore the Union as it was, fighting reluctantly since it has been converted into a war for the emancipation of the negroes and the subjugation of the whites?

The vast army which we had but a short time since is fast fading away by the casualties of war and by the expiration of the terms of enlistment. To maintain the field, another army is demanded, and this is to be raised by conscription. And from them what can we expect? More than half of them will take up arms reluctantly because they have no heart in it, because they are not in favor of the emancipation of the blacks or the enslavement of the whites, because they do not believe that a re-union can be secured and fraternal feeling restored by a prosecution of this war. What then? Under these circumstances I frankly confess, that as an American citizen of the North, who sincerely desires the prosperity and happiness of the people amongst whom his lot has been cast, I am in favor of an armistice. I would suspend hostilities and see whether there is not enough of the old American patriotism, which founded the Government, still in the country to effect an honorable compromise and stop this terrible destruction of human life which must inevitably result in the ruin of both sections.

A national convention of delegates, representing the people of the respective States, might be called, and some arrangements made, satisfactory and honorable, by means of which a re-union could be formed. I know that there is not a national Democrat in the broad land who would not cheerfully sacrifice his life, if the Union, the blessed Union of our Fathers, "the Union of hands, the Union of hearts," could be restored. Without claiming more patriotism than that which animates the bosoms of most of my countrymen, I can say, in the sincerity of my heart, that I would willingly spend the remainder of my life in a dungeon, if I could only be allowed to open the door of my cell when my eyes were about to close forever, and see that glorious old emblem, the Stars and Stripes, proudly waving over a happy and united nation—a nation bound together by the ties of fraternal affection.

But if we can not accomplish this; if we can not induce our misguided brethren to come back into the Union upon guarantees which Democrats have always been willing to accord them; if, indeed, a feeling has been engendered which renders it utterly impossible for us to live peaceably together, why, then in God's name let us separate. I would say to them, as the old patriarch Abraham said to his nephew, Lot, when strife arose amongst their herdsmen: "Go thou to the right hand, and I will go to the left, and let there be peace between us." As Burke said of the American colonies in 1777: "I would part with them as a limb, but as a limb to save the body; and I would have parted with more, if more had been necessary; anything rather than a fruitless, hopeless, unnatural civil war."

Regarding the restoration of the Union as hopeless, I would, if possible, form an alliance, offensive and defensive, so far as foreign powers are concerned, and leave the work of re-construction to the next generation. Profiting by the bitter experience of their fathers, they may be able to unite the now discordant elements and build up a great and powerful nation of freemen.

I believe with General Jackson that "the Constitution can not be maintained, nor the Union preserved, by the mere coercive powers confided to the Federal Government. The foundation must be laid in the affections of the people; in the security it gives to life, liberty, character, and property, in every quarter of the country; and in the fraternal attachments which the citizens of the several States bear to one another as members of one political family." If compelled to choose between extermination, subjugation, or separation, I prefer the latter. I have never thought that these States could be held together by force, and I fully concur in the sentiments expressed by John Quincy Adams in 1838, and by Edward Everett in February, 1861—both eminent statesmen. In speaking of the right of revolution, Mr. Adams said: "If the day shall ever come (Heaven avert it) when the affections of the people of these States shall be alienated from each other; when the fraternal shall give way to cold indifference, or collision of interest shall fester into hatred, the bonds of political association will not long hold together parties no longer attracted by the magnetism of conciliated interests and kindly sympathies, and far better will it be for the people of these disunited States to part in friendship from each other, than to be held together by constraint."

Mr. Everett (late candidate on the Union ticket for the Vice Presidency) said: "To expect to hold fifteen States in the Union by force is preposterous. The idea of a civil war, accompanied as it would be by servile insurrection, is too monstrous to be entertained for a moment. If our sister States must leave us, in the name of Heaven let them go in peace." That great British statesman, Mr. Burke, in 1777, when speaking of the war which our fathers were then waging for American independence, said: "This mode of yielding would, it is said, give way to independence without a war. But if it had this effect, I confess that I should prefer independence without war than to independence with it; and I have so much trust in the inclinations and prejudices of mankind, and so little in anything else, that I should expect ten times more benefit to this kingdom from the affections of America, though under a separate establishment, than from her perfect

submission to the Crown and the Parliament, accompanied with her terror, disgust and abhorrence. Bodies tied together by so unnatural a bond of Union as MUTUAL HATRED, are only connected to their ruin." Mark the words, fellow-citizens; for they are as true as the Gospel of our blessed Saviour: "Bodies tied together by so unnatural a bond as mutual hatred, are only connected to their ruin." I grant you that there would be many difficulties which would probably arise from a disunion of the Republic; but I prefer the experiment to the continuance of this most unnatural war. We have neighbors on this continent, with whom we have lived peaceably for more than half a century. A great nation of a different form of government, but of the same language and race, occupies and exercises jurisdiction over territory separated from us by narrow rivers and geographical lines. By means of steamboats, railroads and telegraphs, we hold daily and hourly communication with their people. Both countries have prospered, and no serious difficulties have occurred to disturb the friendly relations of the respective Governments. If we can live peaceably and quietly with Great Britain, can we not do the same with Americans who were once members of our own family? Small rivers and geographical lines also separate us from Mexico, and yet will it be said that we must necessarily quarrel? Can not public treaties and the law of nations govern and control our intercourse with each other as well as with foreign nations? We have treaties with England and Mexico in regard to the joint navigation of rivers and other waters running through or constituting the boundaries between their territories and ours, and cannot the same be done with the South? The incalculable evils which have resulted to both sections from the prosecution of this war, will disincline them to rush madly into controversies in future.

A few more words in conclusion. As an humble member of Congress, nearly a quarter of a century ago, I warned the country against the consequences which would inevitably result from the persistent hostility evinced by the North towards the institutions of the South. As a member of the Senate in later years, and before popular assemblies, I have again and again predicted (what required no prophet to foresee,) that a spirit was being engendered between the two sections, which, unless arrested, would terminate in a dissolution of the Union. I have all my life been a National Democrat, and I therefore feel that not a single drop of that vast ocean of human blood which has been shed in this war rests upon my hands. The principles which I have always advocated—to love the whole Union, and do equal and exact justice to all the States—place me in the position which I now occupy. And here I will be charged with disloyalty. Well, what is loyalty? I do not like the word, because it belongs to a different form of government from ours, and has been imported by "Republicans" for the purpose of applying to those who stand by the President, right or wrong, in all his acts. The Constitution of the United States declares: "This Constitution, and the laws of the United States, which shall be made in pursuance thereof, and all treaties made or which shall be made, under the authority of the United States, shall be the supreme law of the land." This is the true standard of loyalty, and the man who strictly observes this in all his actions can never be charged with disloyalty. But do the Republicans regard "the Constitution, and the laws made in pursuance thereof, the supreme law of the land?" Do they not sustain the Executive in trampling upon the Constitution "and the laws made in pursuance thereof?" Who, then, are disloyal? I owe no allegiance to Abraham Lincoln. I have taken no oath, (and, God helping, I never will,) to be true and loyal to him. My allegiance is due to the Constitution and the laws passed in pursuance thereof. These I am to regard as the supreme law of the land; and as a Democrat I intend to do it. Who resisted by force the execution of the Fugitive Slave Act—a law passed, as the Supreme Court says, "in pursuance of the Constitution?" Who raised mobs in Ohio, Massachusetts, Pennsylvania, Wisconsin, and several other free States, to prevent its execution? Who organized the "Vigilance Committee" in San Francisco, suspended the criminal Courts, hung men without judge or jury, and sentenced others, without trial, to transportation? Who inaugurated a military force which, month after month with their bayonets, set the Executive and Judicial authorities of the State at defiance? The Democrats? No, Sir! Never! It was these "law abiding," "loyal" Republicans who are bitter in denouncing as disloyal and aiding in transporting to prisons Democrats who have always been faithful and true to their allegiance. But I may be denounced in the present excited state of the popular mind. Be it so; be it so. I am sick and tired of war. I am for peace; although I know the Republicans have changed the Scripture, as promulgated by our Saviour, and now make it read: "Cursed are the peace-makers, for they shall be called traitors, and inhabit our bastiles." I confess the blood is chilled in my veins, and the heart almost ceases to palpitate, when I reflect upon the evils which this war is inflicting upon our country. The English statesman to whom I have already referred, (Mr. Burke,) in speaking of the subject of civil war, says:

Civil wars strike deepest of all into the manners of the people. They vitiate their polities, they corrupt their morals, they pervert even the natural taste for equity and justice. By teaching us to consider our fellow citizens in a hostile light, the whole body of our nation becomes less dear to us. The very name of affection and kindred, which were the bond of charity whilst we agreed, become new incentives to hatred and rage when the communion of our country is dissolved. We may flatter ourselves that we shall not fall into this misfortune, but we have no charter of exemption that I know of from the ordinary frailties of our nature.

No, fellow citizens, we Americans have no "charter of exemption" from the ordinary frailties of human nature. This is the language of the profound statesman and philosopher; and equally strong and emphatic is the language of one of England's most distinguished soldiers, who had an opportunity of witnessing the effect of civil wars—I allude to the Duke of Wellington. He says:

It has been my fortune to have seen much of war—more than most men. I have been constantly engaged in the military profession from boyhood until I have grown grey. My life has been passed in familiarity with scenes of death and suffering. Circumstances have placed me in countries where the war was internal—between opposite parties in the same nation; and, rather than a country I loved should be visited with the calamities which I have seen, with the unutterable horrors of civil war, I would run any risk; I would make any sacrifice; I would freely lay down my life. There is nothing which destroys property and demoralizes character to the extent which civil war does. By it the hand of man is raised against neighbor, against brother, against his father; the servant betrays his master and the master ruins his servant.

Fellow citizens, we cannot remedy the evils which have already resulted from this war, but is it not the part of wisdom to arrest it? Or must we go on until the country is irretrievably ruined? Shall we, Sampson like, in order to exhibit our strength, tear down the pillars which support the temple of American liberty, and bury all in one undistinguished ruin? Must we madly rush onward until the fiat of the Almighty announces that the Government upon which He graciously smiled for three-quarters of a century has ceased to exist! Shall ours be the doom of ancient Babylon! "God hath numbered thy kingdom and finished it. Thou art weighed in the balance and found wanting. Thy kingdom is divided and given to the Medes and Persians."

Fellow citizens, I am no alarmist. I am not apt to apprehend danger when there is none, nor have I any disposition to arouse either the passions or prejudices of the people; nor have I been actuated in my present course by any other motive than a sincere desire to preserve the liberties of my country. In the ordinary course of nature I must soon pass from this to another state of existence, and hence this question is of far more practical importance to most of you than it is to me. If I did not believe in my soul that this war, unless speedily arrested, will destroy the last hope of American freedom, I should not have spoken here to-day.

But I may be denounced as a traitor. Is it not unjust and cruel to denounce in this manner men who have rallied all their lives around the Constitution whenever it was assailed, stood by your laws when efforts were made to prevent their execution, and rushed to the field of battle when the honor of the country demanded it? These Republicans, who now wield the power and patronage of the Government, denounce as traitors all who will not aid them in trampling upon the Constitution and the inalienable rights of the people. They denounce as traitors American citizens who are unwilling to sacrifice their own liberties and become the slaves of a military despotism in order to emancipate the negroes of the South! They send to their bastiles and loathsome prisons men who dare utter a word in behalf of a bleeding Constitution and an outraged people! Women as well as men have been made the victims of their merciless hands. They have respected neither age, sex, nor condition. The young and the old, the strong and the feeble, the wise and the foolish, all, all alike have been forced from their homes and incarcerated in prisons. They have shown none of that mercy

"Which becomes
The throned monarch better than his crown."

In their madness, their folly, their wickedness, they have despoiled the angel of liberty and robbed her of all the charms which attached us to her. If any traces still remain of her former beauty,

"'Tis but that loveliness in death
Which parts not quite with parting breath;
Expression's last receding ray,
A gilded halo hovering round decay."

But you call me a traitor to the country! A traitor, because I will not abandon the principles which have governed and controlled my political actions for more than a quarter of a century; a traitor, because I will not quietly submit to have the yoke of a military despotism fastened upon my neck; a traitor, because I do not believe in the infallibility of the President, and dare to complain of his repeated violation of the Constitution of my fathers; disloyal to the Government, because I am in favor of expelling from power the men who have robbed the Treasury of untold millions, and by their policy converted our once happy homes into houses of misery and mourning; disloyal, because I will not yield a cheerful acquiescence to the doctrine of "military necessity" and sustain the Executive in his usurpations of power; disloyal, because I am resolved, so far as I can, to transmit to my children unimpaired the rich legacy I received from my ancestors. I will

"Stand for the right 'mid the gloom and the sorrow
That is now lowering over the prospect of to-day;
For the truth will shine brighter to-morrow
While darkness and doubt shall be driven away."

It is quite probable that the sentiments which I have this day expressed are not in accordance with those entertained by a majority of my countrymen. To me this is a matter of deep regret, but I cannot help it. If I desired to reenter public life, *policy* might have dictated the withholding many things that I have said to-day; but I resolved at the outset to discard all such considerations and make a clean breast of it. "Come weal or come woe," I have spoken the firm convictions of my mind—the honest sentiments of my heart.

In the meanwhile I will be loyal and true to the Constitution, true to my principles, true to my conscience, and true to what I conceive to be the permanent interests of my country, no matter what the consequences may be. Although the storm may not subside and the skies brighten in

my day, still I venture the prediction, that the generation which succeeds me will never say to my children that their father was a traitor to his country.

Fellow citizens, for the expression of these sentiments I may be seized by a military guard, as others have been, dragged away from my wife and children, and incarcerated in prison. Well, if indeed I have outlived the liberties of the people, it is a matter of very little importance where an old National Democrat spends his few remaining years. And if, in the Providence of God, it should be my destiny to terminate my days in a dungeon, I ask kind friends (for I trust I will leave some behind,) to raise a simple slab to my memory, and inscribe these words upon it:

"HERE LIES THE BODY OF AN AMERICAN WHO FORFEITED HIS LIBERTY, AND DIED IN PRISON, FOR REFUSING TO AID IN SLAUGHTERING NINE MILLION MEN, WOMEN AND CHILDREN OF HIS OWN BLOOD, IN ORDER TO GIVE FREEDOM TO FOUR MILLIONS OF THE AFRICAN RACE."

